

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION


Shawn D. Phillips,)	C.A. #0:16-0375-PMD
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
Warden Larry Cartledge,)	
)	
Respondent.)	
)	

On October 11, 2016, Magistrate Judge Paige J. Gossett issued a Report and Recommendation recommending that this action be dismissed with prejudice for lack of prosecution. On August 31, 2016, petitioner filed a motion for extension of time to file a response to respondent's motion for summary judgment, and on September 6, 2016, this court issued an order allowing petitioner until October 4, 2016 to file his response to respondent's summary judgment motion, and further advising that failure to do so may result in immediate dismissal of this action.¹ Petitioner has failed to file a response to respondent's motion for summary judgment as allowed by the court. Now therefore,

IT IS HEREBY ORDERED that the within action is **dismissed for lack of prosecution.**

¹Prior to petitioner's motion for extension of time, the court issued orders on July 26, 2016 and August 30, 2016 advising petitioner to file a response to the pending motion for summary judgment and failure to do so may result in this action being dismissed for lack of prosecution.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

November 8, 2016
Charleston, South Carolina